

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA,

Plaintiff,

v.

CALIFORNIA BERRY CULTIVARS, LLC,
et al.,

Defendants.

CALIFORNIA BERRY CULTIVARS,
LLC,

Cross-Complainant,

v.

THE REGENTS OF THE UNIVERSITY
OF CALIFORNIA,

Cross-Defendant.

Case No. 16-cv-02477-VC

**FURTHER ORDER ON MOTIONS IN
LIMINE AND MOTIONS TO EXCLUDE**

As discussed at the pretrial conference, the parties have agreed that the jury trial on liability will proceed on May 15th. The parties are limited to 10 hours per side, including openings and closings. A bench trial on equitable claims and equitable relief will proceed the week of May 30th, with a precise date and schedule to be set later. The parties have agreed that a trial on damages, if necessary, will take place later in the year, and with a different jury.

This order reflects the final ruling on the motions for which the Court merely issued tentative rulings yesterday:

UC's motion in limine 2 is denied.

UC's motion in limine 3 is granted as to evidence of UC's breeding and research activities, destruction of cultivars, and the health of the plants in the program.

UC's motion in limine 4 is denied with respect to the request to exclude Goodfellow and Deines's allegedly new opinions. It is denied as moot with respect to Nolte's opinion, Shaw's testimony, and Westwood's testimony.

UC's motion in limine 6 is granted. CBC's only remaining jury claim is for breach of the implied covenant, and its argument regarding the Transition Cultivars is not part of that claim.

CBC's motion in limine 1 is denied for the same reason.

UC's motion to exclude Nolte's testimony is denied as moot.

CBC's motion to exclude the Distler testimony is denied as moot.

IT IS SO ORDERED.

Dated: May 9, 2017



VINCE CHHABRIA
United States District Judge